

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12307-RGS

JOSEPH CHRISTOFORO

v.

JULIO LUPO

ORDER ON PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

September 19, 2007

STEARNS, D.J.

The motion is DENIED. The parties' longstanding Joint Discovery Schedule, which was approved by the court, required that dispositive motions be filed on or before January 15, 2005. Plaintiff made no request to alter the schedule, nor did plaintiff seek leave of the court to file a motion for summary judgment some two and one-half years after the deadline expired. Trial is scheduled to commence on Tuesday, October 29, 2007. For the court to entertain an unanticipated motion for summary judgment on the brink of trial would unduly prejudice defendant.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE